

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**SUBMISSION OF NOTICE OF APPEAL**

Sir:

On June 9, 2011, an Amendment After Final Under 37 C.F.R. § 1.116 was filed in response to the Final Office Action mailed December 14, 2011 in the above-captioned application. The aforementioned Amendment After Final amended claim 1 to incorporate the features of allowed claim 25, amended allowed claim 52 into independent form, and addressed a § 112 rejection.

Attorney Eric Misfeldt received a telephone call from Examiner Atkisson on June 14, 2011 in response to an earlier message. Examiner Atkisson indicated that she had prepared a Notice of Allowance and passed the document to her supervisor for approval. However, to

Application No. 10/589,459  
SUBMISSION OF NOTICE OF APPEAL dated June 14, 2011  
Reply to Office Action of December 14, 2010  
Attorney Docket 1410-67681-US

ensure that the application will not be abandoned due to the Notice of Allowance not being mailed by the end of the day on June 14, 2011, we file herewith a Notice of Appeal.

A three-month extension of time was paid at the time of filing the Amendment After Final on June 9, 2011, which makes timely any response filed on or before June 14, 2011. Therefore, no additional fees above the \$540.00 for the Notice of Appeal filed herewith are submitted. However, the Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,  
FITCH, EVEN, TABIN & FLANNERY

Dated: June 14, 2011

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